IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.1358 OF 2006
IN
CRIMINAL APPEAL NO.1048 OF 2006

Shri Amit Suryakant Dalvi ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Smt.Asmita Sarangdhar, adv. for the Applicant.
Shri S.R.Shinde, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 16th January, 2007.

P.C.:

1. Heard Ms.Asmita Sarangdhar, the learned counsel for the applicant and Mr.Shinde, the learned APP for the State. Perused the report received from the Government Medical College, Kolhapur.

2. The applicant is convicted for the offences under M.C.O.C. Act and sentenced to suffer R.I. for 5 years and other different terms with fine. He has filed appeal which is admitted. By this application, he seeks temporary bail for a period of one month on the ground of severe ailments of different types. According to him, he is suffering from Malaria, Jaundice, Typhoid and kidney stone and he is not getting proper treatment. According to him, for his appropriate treatment it is

necessary that he may be given one month's temporary bail so that he may take treatment from proper doctors. The fact that he is suffering from different ailments is not disputed. Report from the Medical College Hospital at Kolhapur dated 5-1-2007 with latest note dated 15-1-2007 from the surgical department of the said college, it reveals that in fact, he has been suffering from several ailments. He was suspected case of hepatosplenome with jaundice with malarial fever for which necessary tests were conducted and treatment was given. He had also Malena (stool with blood) and his case was referred to the surgical unit. Some tests were carried on. As per the report from surgical unit, he is now being treated for acute fissure in ano with right upper pole renal calcules and he will further need a treatment as indoor patient as there is no relief at present. The surgical unit also opined that he will require further investigation and examination. Taking into consideration, medical report from the Medical College Hospital and the fact that there is no history of adverse antecedents against the present applicant except that he was found to be a conspirator and was convicted under M.C.O.C. Act, I find that temporary bail may be granted subject to certain conditions.

3. For the aforesaid reasons on the medical

ground, the applicant is hereby granted temporary bail for a period of one month from the date of actual release from Kolhapur Jail on his executing P.R.bond of Rs.50,000/- with one local surety of like amount with the conditions that he shall not misuse the bail and shall keep the police informed about his stay during the bail period.

(J.H.Bhatia,J.)